

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10010 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

VIDHYABEN J DORIWALA

Versus

STATE OF GUJARAT

Appearance:

MR BIPIN P JASANI for Petitioner

Mr. Hasmukh Patel for respondents Nos.1 to 3.

No one has appeared on behalf of respondent No.4
despite service.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 20/12/96

ORAL JUDGMENT :

Mr.Jasani has produced xerox copies of 2 documents dated 6.12.96 and 16.12.96 from the Principal, Shree J.C.Shah Prakash High School, Ahmedabad. In letter dated 6.12.96 the Principal has given no objection to the petitioner's continuance in the School and the order dated 16.12.96 is with regard to the compliance of this

court's order dated 11.12.96. Both these documents may be kept on record.

The petitioner is a NDS teacher and she has been working since 1977 in the school-respondent No.4. She was ordered to be transferred vide order dated 4.11.96 page 46 Annexure 'H' from Ahmedabad to Gandhinagar. It is also submitted that she is due to retire in another 10 months i.e. on 31.10.97. Mr. Patel appearing for respondents Nos.1 to 3 has submitted that whereas the petitioner is going to retire in another 10 months and respondent No.4 has given no objection to her continuance on the ground of equity, he does not contest this petition.

Accordingly the impugned order dated 4.11.96 is hereby set aside and the same shall not be acted upon and given effect to against the petitioner and the petitioner shall be allowed to continue, function and paid as she was being paid and as she was working with the respondent No.4 prior to the passing of the impugned order. This Special Civil Application is accordingly allowed. Rule is made absolute in the terms, as aforesaid. No order as to costs. Direct service is permitted.